IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 783 OF 2003
IN
EXECUTION (L) NO. 283 OF 2003
IN
ARBITRATION PETITION NO. 102 OF 1991.

Mukesh H. Mehta & others. ... Applicants.

V/s.

Harendra H. Mehta & others. ... Respondents.

P.N.Modi with H.Raithatthe and D.G.Rangras for respondent Nos.1 to 3 in support of chamber summons.

Navin Parekh with K.Jain and G.R.Mehta for the petitioners to show cause.

CORAM : S.U. KAMDAR, J.

DATED : 14th February, 2005.

P.C. :

. Learned counsel appearing for the respondents in support of chamber summons makes a statement that the respondents do not desire to press prayers (a) to (e) of the chamber summons. Chamber summons, in so far as prayer clauses (a) to (e) are concerned, is dismissed.

2. So far as prayers (f) and (g) are concerned, learned counsel for the petitioners makes a statement that the petitioners shall deposit in this Court an amount of Rs.1,21,00,000/- within a period of five months from today. The flat in question, i.e., flat No.81 situated on the 8th floor of the

building "Urvashi" in Malbar Co-operative Housing Society Limited, 66, Nepean Sea Road, Mumbai- 400 006, which is coming to the share of the petitioners under the award decree, shall be transferred only on complete deposit of Rs.1,21,00,000/- in this Court. Learned counsel for the respondents undertakes that the respondents will withdraw the petition being Writ Petition No.6555/2002 filed by them and pending in this Court. However, this will be subject to the order which has been passed by me in the present chamber summons in respect of deposit of amount. On being deposit of Rs.1,21,00,000/- by the petitioners, the same shall be invested in fixed deposit of any nationalised bank for a period of three months from the date of the said deposit. After complete deposit of Rs.1,21,00,000/-, the petitioners will be at liberty to adopt appropriate legal proceedings, if they are so advised, for enforcement of American package under the award decree. If the petitioners do not obtain any order within a period of eight months from today, then in that event the respondents shall be entitled to withdraw the said amount of Rs.1,21,00,000/- with accrued interest thereon immediately. It is made clear that the petitioners shall take such proceeding in respect of enforcement of American

package only after deposit of the aforesaid amount of Rs.1,21,00,000/- in this Court. The aforesaid order is passed without prejudice to the rights of the respondents to raise all their defence which is available to them in the American Court in resisting such application being made by the petitioners. Learned counsel for the petitioners makes a statement that pending deposit of the amount of Rs.1,21,00,000/- and ultimate transfer of the flat the petitioners shall not create any third party interest and/or alienate or encumber or part with possession of the said flat being flat No.81 situated on the 8th floor of the building "Urvashi" in Malbar Co-operative Housing Society Limited, 66, Nepean Sea Road, Mumbai- 400 006.

3. The chamber summons stands disposed of accordingly in terms of the above order with no order as to costs.

*****